

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas Department of Education  
DIVISION School Improvement & Professional Development Section  
DIVISION DIRECTOR Mr. Raymond Simon  
CONTACT PERSON Ms. Janinne Riggs  
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INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire & financial impact statement attached to the front of two (2) copies of your proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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1. What is the short title of this rule?  
**Arkansas Comprehensive Testing, Assessment, and Accountability Program**
2. What is the subject of the proposed rule? **The subject of the proposed rule is to develop a single comprehensive testing, assessment, and accountability program which applies to and governs all public schools and school districts in the state to establish a program to identify, evaluate, and assist and advise public school districts in academic distress.**
3. Is this rule required to comply with federal statute or regulations? Yes \_\_\_\_\_ No **X**  
If yes, please provide the federal regulation and/or statute citation.
4. Was this rule filed under the emergency provisions of the Administrative Procedures Act?  
Yes \_\_\_\_\_ No **X**  
If yes, what is the effective date of the emergency rule?  
  
When does the emergency rule expire?  
  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No \_\_\_\_\_

5. Is this a new rule? Yes \_\_\_\_\_ No **X** If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes \_\_\_\_\_ No **X** If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes **X** No \_\_\_\_\_ If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. **NOTE: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law grants the authority for this proposed rule. If codified, please give Arkansas Code citation.

**A.C.A. §§ 6-11-105, 25-15-201 et seq., and Act 1467 of 2003**

7. What is the purpose of this proposed rule? Why is it necessary?  
**The proposed rule is to develop a single comprehensive testing, assessment, and accountability program, which applies to and governs all public schools and school districts in the state to establish a program to identify, evaluate, and assist and advise public school districts in academic distress.**

8. Will a public hearing be held on this proposed rule? Yes **X** No \_\_\_\_\_  
If yes, please complete the following:

Date: **November 12, 2003**

Time: **1:30 PM to 3:30 PM**

Place: **Arkansas Department of Education Auditorium**

9. When does the public comment period expire for permanent promulgation? (Must provide a date.) **Monday, November 24, 2003**

10. What is the proposed effective date of this proposed rule? (Must provide a date.)  
**January 19, 2004**

11. Do you expect this rule to be controversial? Yes **X** No \_\_\_\_\_  
If yes, please explain.

**The rule is expected to be controversial because the requirement to teach the curriculum at each grade level for the 5-8 grade span could result in the need for additional staff and restructuring of time usage.**

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known.

**Comments are expected from administrators and educators; positions unknown.**

## FINANCIAL IMPACT STATEMENT

DEPARTMENT Arkansas Department of Education  
DIVISION School Improvement & Professional Development Section  
PERSON COMPLETING THIS STATEMENT Janinne Riggs  
TELEPHONE NO. 682-4219 FAX NO. 682-5756 EMAIL jriggs@arkedu.k12.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

### SHORT TITLE OF THIS RULE

#### **Arkansas Comprehensive Testing, Assessment, and Accountability Program**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes X No \_\_\_\_\_  
**A school district or the State may be in jeopardy of losing federal funding if they fail to comply with the requirements under this rule.**

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

#### **Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

#### **Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation and explain how they are affected.

#### **Current Fiscal Year**

\$ \_\_\_\_\_

#### **Next Fiscal Year**

\$ \_\_\_\_\_

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

#### **Current Fiscal Year**

\$ \_\_\_\_\_

#### **Next Fiscal Year**

\$ \_\_\_\_\_

DEPARTMENT OF EDUCATION  
FISCAL IMPACT STATEMENT OF PROPOSED REGULATION  
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: **Arkansas Comprehensive Testing, Assessment, and Accountability Plan**

Summary Description of Regulatory Proposal:

**The proposed rule is to develop a single comprehensive testing, assessment, and accountability program, which applies to and governs all public schools and school districts in the state to establish a program to identify, evaluate, and assist and advise public school districts in academic distress.**

Cite Statutory Authority for this Regulatory Proposal:

**Act 1467 of 2003, A.C.A. §§ 6-11-105 and 25-15-201 et seq.**

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)
  - A. Resources Required - Personnel, equipment, office space.
  - B. Time Required for Implementation.
  - C. Procedural Changes.
  - D. Other.
- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)
  - A. Resources Required - Personnel, equipment, office space.
  - B. Time Required for Implementation.
  - C. Procedural Changes.
  - D. Other.
- III. Additional Comments.

Prepared by: Janinne Riggs, School Improvement & Professional Development  
Assistant Director – Arkansas Department of Education  
October 21, 2003

Arkansas Department of Education  
Rules Governing the  
Arkansas Comprehensive Testing, Assessment and Accountability Program  
And the Academic Distress Program  
**MARK-UP**

1.0 Regulatory Authority

- 1.01 These Rules shall be known as the Arkansas Department of Education Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP).
- 1.02 The State Board of Education promulgated these Rules pursuant to implementation of Act 1467 of 2003 and Ark. Code Ann. § 6-11-105 and Ark. Code Ann. § 25-15-201 et seq.
- 1.03 These Rules replace previously adopted Rules Governing Arkansas Comprehensive Testing, Assessment, and Accountability Program dated September 13, 1999, and Rules Governing Professional Development June 12, 2000, and Rules Identifying and Governing School Districts in Academic or Fiscal Distress.

2.0 Purposes of Rules

- 2.01 To develop a single comprehensive testing, assessment and accountability program, which applies to and governs all public schools and public school districts in Arkansas.
- 2.02 To develop a single comprehensive testing, assessment and accountability program which utilizes the most current and effective testing, evaluation and assessment research information designed to achieve the following:
  - 2.02.1 Clear academic standards that are periodically reviewed and revised;
  - 2.02.2 Professional development standards for all administrators, teachers and instructional support personnel;
  - 2.02.3 Expected achievement levels;
  - 2.02.4 Reporting on student achievement and other indicators;
  - 2.02.5 School and school district evaluation data;

- 2.02.6 A system of sanctions and rewards based on performance of schools and school districts; and
- 2.02.7 Compliance with current federal and state law and State Board of Education policies.
- 2.03 To ensure that all students in the public schools of Arkansas have an equal opportunity to demonstrate grade-level academic proficiency through the application of knowledge and skills in the core academic subjects consistent with state curriculum frameworks, performance standards and assessments.
- 2.04 To improve student learning and classroom instruction and to support high academic standards for all students, including identifiable subgroups, by establishing the provisions, procedures and requirements for the student assessment program.
- 2.05 To require point-in-time intervention when it is determined that a student(s) is not performing at grade level.
- 2.06 To outline testing and assessment security and confidentiality requirements.
- 2.07 To establish a program to identify, evaluate, assist and advise public school districts in academic distress.
- 3.0 Definitions – For the purpose of these Rules, the following terms mean:
  - 3.01 “Academic Content Standards” – a series of documents that specify what a student enrolled in an Arkansas Public School should know and be able to do. These Academic Content Standards also provide the foundation for development of the State assessment system.
  - 3.02 “Academic Distress” – a classification assigned to any public school district in which 75% or more of its students perform at the “below basic” performance level on the criterion-referenced assessments administered in that district.
  - 3.03 “Adequate Yearly Progress” – the level of academic improvement required of public schools or school districts on the state-mandated criterion-referenced assessments and/or other indicators as required in the ACTAAP, which shall comply with State and Federal law.
  - 3.04 “Arkansas Comprehensive School Improvement Plan (ACSIP)” – a plan developed by a local school team based on an analysis of student performance data and other relevant data that provides a plan of action to

address deficiencies in student performance as evidenced on the grade-level benchmark assessments. This plan shall be reviewed annually and monitored at least every two years. Components of the plan include professional development, technology, and materials and resources necessary to carry out the activities of the plan. Additionally, this plan shall become the application for all instructional federal programs as administered by the Department of Education.

- 3.05 “Benchmarks/Grade-Level Benchmarks” – Academic Content Standards and/or grade-level statements of what a student should know and be able to do. The Grade-Level Benchmarks provide guidance to classroom teachers in planning instruction aligned with the Academic Content Standards.
- 3.06 “Board” – The Arkansas State Board of Education.
- 3.07 “Criterion-Referenced Test (CRT)” – an assessment required by state statute, rule or regulation which is designed by the State to measure student performance/achievement on the State’s Academic Content Standards.
- 3.08 “Department” – The Arkansas Department of Education
- 3.09 “District Improvement Plan” – a compilation of the individual school improvement plans from schools across the district. The main focus of the district improvement plan shall be to ensure that all students have an opportunity to demonstrate proficiency on all portions of state-mandated criterion-referenced assessments.
- 3.10 “Early Intervention” – a short-term, intensive, focused individualized instruction developed from ongoing, daily, systemic assessment that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning.
- 3.11 “Elementary School” – public school(s) having some combination of grades kindergarten through four (K – 4).
- 3.12 “End-of-Course Test” – an assessment taken at the completion of a course of study to determine whether a student demonstrates attainment of the knowledge and skills necessary for proficiency in that course.
- 3.13 “Grade Level” – performance of a student (or group of students) at the proficient level on benchmark assessments at the specified grade that is age-appropriate for that student(s).

- 3.14 “High School” – public school(s) having some combination of grades 9 – 12.
- 3.15 “Middle School” – public school(s) having some combination of grades five through eight (5 – 8).
- 3.16 “Norm-Referenced Test (NRT)” – an assessment required by state law, rule or regulation to measure the performance/achievement of Arkansas students relative to the achievement of students who comprised the norm or standardization group for a particular commercial instrument.
- 3.17 “Public School District/Public School” – those school districts and schools (including open-enrollment charter schools) created pursuant to Title 6 of the Arkansas Code and subject to the Arkansas Comprehensive Testing, Assessment and Accountability Program except specifically excluding those schools or educational programs created by or receiving authority to exist pursuant to §6-15-501; §9-28-205, and §12-29-301 through §12-29-310, or other provisions of Arkansas law.
- 3.18 “Remediation” – a process of providing corrective, specialized supplemental instruction to help a student overcome academic deficiencies and achieve proficiency.
- 3.19 “Reward” – financial or other recognition of a public school structured to recognize schools that demonstrate and maintain high performance over time and to recognize schools that demonstrate growth on the state-mandated indicators. Rewards also can be used to highlight individual schools so that their practices can be adopted in other schools and districts across the state.
- 3.20 “Sanction” – intervention by the state to assist teaching and learning at a public school or a public school district that fails to meet expected performance goals on the state-mandated criterion-referenced assessments and/or other indicators.
- 3.21 “School Improvement” – the initial classification applied to a school that fails to meet adequate yearly progress for two successive years.
- 3.22 “Secure Examination or Assessment” – an assessment instrument, materials or other student achievement evaluation method required by State statute, rule or regulation that is administered to assess student performance or achievement and takes place on the dates specified on the testing/assessment calendar developed by the Director of the Department.
- 3.23 “Student Academic Improvement Plan” – a plan detailing supplemental or intervention and remedial instruction, or both, in deficient academic areas



for any student who is not proficient on a portion or portions of the state-mandated criterion-referenced assessments.

- 3.24 “Uniform Readiness Screening” - uniform, objective evaluation procedures specifically formulated for children entering public school for the first time that are intended for either kindergarten or first grade, as appropriate, and developed or adopted by the Board.

#### 4.0 Academic Content Standards

- 4.01 The Board shall establish clear, specific, challenging academic content standards, which define what students shall know and be able to do in each content area.
- 4.02 The Board shall establish a schedule for periodic review and revision of academic content standards to ensure Arkansas academic content standards are rigorous and equip students to compete in the global workforce. For each review, the Department will provide the following:
- 4.02.1 Study and consideration of academic content standards from across the nation and international levels as appropriate;
- 4.02.2 Study and consideration of evaluations from national groups or organizations as appropriate;
- 4.02.3 Committees composed of Arkansas teachers and instructional supervisory personnel from public schools, assisted by teachers from institutions of higher education;
- 4.02.4 Review and input by the Departments of Higher Education and Workforce Education as well as community members; and
- 4.02.5 Public dissemination of revised academic content standards on the Department Website.
- 4.03 The Board shall provide for external review by nationally-recognized content experts in the discipline/area under consideration.
- 4.04 The Board shall establish a clear, concise system of reporting the academic performance of each school on the state’s mandated criterion-referenced assessments, which conform with current state and federal law.
- 4.05 Each local school/school district shall engage in a procedure that will assure that the local curriculum and instructional delivery are aligned with the most current approved revision of the academic content standards.

## 5.0 Professional Development

### 5.01 Time Requirement

5.01.1 All certified employees of public schools shall complete thirty (30) required, approved hours of professional development each year. The 30-hour professional development requirements must be fulfilled between July 1 and June 30 of each school year. An alternative twelve-month time period may be substituted for districts with unique staff development needs, with prior approval of the Director of Education.

5.01.2 Approval of professional development hours shall be based on the requirements within these Rules, Board priorities, student achievement data, and the ACSIP plan. Improvement of student achievement shall be the prerequisite goal of all professional development.

5.01.3 Approved professional development activities, which occur during the instructional day or outside the employee's annual contract days may apply toward the 30-hour minimum professional development requirement. This shall not diminish the 185-day total required for an annual contract.

5.01.4 A three-hour college credit course counts as 12 hours of professional development pursuant to Act 1728 of 2003. No more than half of the required 30 hours of professional development time may be met through college credit hours.

### 5.02 Monitoring and Evaluation of Professional Development

5.02.1 Regular monitoring activities of the professional development requirements within these Rules shall occur annually when the Standards Assurance Unit directly monitors schools and when the School Improvement Planning Unit directly assists schools in ACSIP. A representative sample of professional development records of certified staff shall be checked against the school professional development plan within ACSIP. Any discrepancy may result in a comprehensive verification of professional development activities required for certified staff.

5.02.2 The criterion for evaluating the impact of professional development shall be the improvement of student achievement on State criterion-referenced assessments and other related indicators as defined by ACTAAP. These data shall be used to revise ACSIP

and the professional development design associated with the local improvement plan.

5.03 Approval and Monitoring of Waiver Days and Early Release Time

- 5.03.1 Schools seeking early release time and/or waiver days for additional approved professional development shall apply to the Department no later than August 1 preceding the start of the school year.
- 5.03.2 Applications for early release time and/or waiver days shall be reviewed and approved by the Department.
- 5.03.3 Waiver days and early release time will only be approved to accommodate professional development hours beyond those required in 5.01.1.
- 5.03.4 No school shall receive approval for early release time and/or waiver days which exceed a combined maximum of 30 hours.

5.04 Approved Professional Development Activities

- 5.04.1 All approved professional development activities, whether individual or school-wide, shall be based on the improvement of student achievement on State criterion-referenced assessments and increasing student achievement and academic performance.
- 5.04.2 To be eligible, professional development activities must produce teaching and administrative knowledge and skills designed to improve students' academic performance.
- 5.04.3 Approved professional development activities may include conferences, workshops, institutes, individual learning, mentoring, peer coaching, study groups, National Board for Professional Teaching Standards Certification, distance learning, internships, and approved college/university course work.
- 5.04.4 Administrative faculty meetings and administrative organization, or clerical work in the classroom or on school improvement activities shall not count as approved professional development.
- 5.04.5 Certified employees in positions not directly related to instructional activities shall be responsible for completing 30 approved hours of professional development each year. However, the focus of their professional development may be in those areas specifically related to their job assignments.

## 5.05 Required Focus Areas for Professional Development

- 5.05.1 All approved professional development activities shall relate to the following areas: content (K – 12); instructional strategies; assessment; advocacy/leadership; systemic change process; standards, frameworks, and curriculum alignment; supervision; mentoring/coaching; educational technology; principles of learning/developmental stages; cognitive research; and building a collaborative learning community. At least six (6) of the 30 hours of required professional development shall be in the area of educational technology
- 5.05.2 Pursuant to Act 603 of 2003, each teacher shall be required to have no less than two (2) hours of professional development designed to enhance understanding of effective parental involvement strategies. These two (2) hours may be included in the thirty (30) hours required for professional development.
- 5.05.3 Pursuant to Act 603 of 2003 each administrator shall be required to have no less than three (3) hours of professional development designed to enhance understanding of effective parent involvement strategies and the importance of administrative leadership in setting expectations and creating a climate conducive to parental participation. These three (3) hours are in addition to the required thirty (30) hours of professional development.
- 5.05.4 For each administrator, the 30-hour professional development requirement shall include training in data disaggregation, instructional leadership and fiscal management as developed or approved by the Department.

## 5.06 Compliance

- 5.06.1 Failure to comply with the requirements of these Rules may result in a recommendation to the Board for a loss of accreditation or other sanctions as set out in the Arkansas Standards for Accreditation.

## 6.0 Student Performance Assessment System

The Board shall establish a statewide single assessment system for Grades K through 12 to be implemented in each public school in the State by the Department. All districts shall comply with the requirements of the assessment system. Failure to do so shall result in a recommendation to the Board for

Probationary status or loss of accreditation as set out in the Standards for Accreditation.

- 6.01 Kindergarten: The Board shall adopt and the Department shall implement a developmentally-appropriate, uniform school readiness screening to validate a child's school readiness as part of a comprehensive evaluation decision. Beginning with the 2004-2005 school year and thereafter, the Department shall require that all school districts administer the uniform school readiness-screening instrument to each kindergarten student in the district prior to or upon the entry into kindergarten. Children who enter public school for the first time in first grade must be administered the uniform school readiness screening instrument as modified for use in first grade to determine placement.
- 6.02 Grades 1 and 2: The Department shall select a developmentally-appropriate assessment to be administered to all students in Grades one (1) and two (2) in reading and mathematics.
- 6.03 Criterion-Referenced Assessments - Grades three through eight and high school:
  - 6.03.1 The Department shall develop and implement assessments for public school students at the elementary and middle-level grades, as well as end-of-course testing, which are criterion-referenced and which measure application of knowledge and skills in reading and writing literacy, mathematics and, as funds are available, in science and social studies.
  - 6.03.2 All criterion-referenced assessments shall be based on the Arkansas Curriculum Frameworks and Academic Content Standards;
  - 6.03.3 All students in Grades 3 – 8 as well as all students enrolled in courses for which end-of-course assessments are administered, shall take the criterion-referenced assessments on the testing dates established by the Department. This authority shall include field testing and any other requirements needed to establish fully-developed assessment instruments and methodologies.
  - 6.03.4 Each school district shall administer criterion-referenced assessments to its students according to procedures established by the Director of Education and specified in the applicable assessment administration materials.
  - 6.03.5 The Department shall establish mandatory training sessions for local district testing coordinators and other appropriate school

personnel to ensure understanding of the administration of assessments and effective use of assessment reporting data to improve classroom instruction and learning to provide program evaluation;

6.03.6 The superintendent or his/her designee in each school district shall be responsible for coordinating all local assessment activities including:

- 6.03.6.1 Scheduling testing times of all affected campuses according to the testing calendar developed by the Department;
- 6.03.6.2 Ensuring that security is maintained as specified in the appropriate testing administration materials;
- 6.03.6.3 Ensuring that all district personnel involved in the testing have been properly trained as specified by the Department;
- 6.03.6.4 Ensuring that all testing instruments are administered to all students according to the procedures established by the Director of Education;
- 6.03.6.5 Ensuring that all assessment documents and student identification information are properly and accurately coded; and
- 6.03.6.6 Attesting whether ALL students have participated in the appropriate grade-level assessment(s).

6.03.7 Accounting for Students with Disabilities and Limited English Proficient Students

- 6.03.7.1 Each student in the specified grades shall participate as outlined in the test coordinator's handbook. A student shall participate in the Arkansas Alternative Assessment Program only upon the formal determination of :
  - (i) The student's individual education program (IEP) committee, as documented in the student's individual educational program; or

- (ii) The student's language proficiency assessment committee, as documented in the student's permanent record file.
- 6.03.7.2 The Individual Education Program (IEP) committee shall determine whether or not participation in the standard state assessment program is appropriate for students with IEPs. Students with disabilities for whom it is deemed inappropriate to take the standard state assessments (Benchmarks and End-of-Course) with the established accommodations shall participate in the Arkansas Alternate Assessment Program following the guidelines established by the Board.
- 6.03.7.3 A Language Proficiency Assessment committee shall recommend the Arkansas Limited English Proficiency (LEP) Alternate Assessment Program based on limited English proficiency only, following the guidelines established by the Board. The committee shall assess English proficiency growth annually to determine appropriate participation in the standard state assessment program or the Arkansas Alternate Assessment Program. The intent of this section is to ensure that students participate in all of the standard state assessment programs as soon as appropriately possible. LEP students may participate in the alternate assessment program for a period which shall not exceed three (3) years before entering the standard state assessment.
- 6.03.7.4 Scores for students with disabilities or English language learners participating in the Alternate Assessment Program shall be reported with other assessment results from the school.
- 6.03.7.5 The appropriate test administration materials shall specify any allowable accommodations available to students participating in the administration of standard state assessments.
- 6.03.7.6 All students enrolled in a State-tested grade shall be accounted for in the State Assessment System.
- 6.03.7.7 A Technical Advisory Committee composed of nationally-recognized testing experts and psychometricians shall be selected by the Director of

Education and shall advise the Department in all technical aspects of the assessment system.

6.04 Nationally Norm-Referenced Assessments

6.04.1 The Board shall adopt a national norm-referenced assessment in ~~Grade 5 mathematics and reading in Grades 3 through 7 and in mathematics, reading and science in Grade 9 in mathematics and reading,~~ which shall be administered by the Department annually.

6.04.2 The State Board of Education shall require annually that all students in Grade 8 take the ACT EXPLORE exam and all students in Grade 10 shall take the ACT PLAN exam. Additionally, each student will be required to take the College Board ACT College Placement Exam once in either Grade 11 or Grade 12. Students choosing to take the ACT more than once will be required to personally pay the cost of administration.

~~6.04.2.1 ——— Each school district may choose to administer National norm referenced tests at other grades between Grade 2 and Grade 9 with the cost paid from state funds When additional revenue is added annually to the Department of Education Public School Fund Budget to cover the cost of tests, scoring and reporting. ———~~

6.04.3 Each school district shall administer the norm-referenced assessments to its students according to procedures established by the Department and specified in the applicable test administration materials.

6.04.4 The Department shall establish mandatory training sessions for local district testing coordinators and other appropriate school personnel to ensure understanding of the norm-referenced assessments, proper administration of assessments, security, and effective use of the assessment reporting data to improve classroom instruction and learning.

6.04.5 The superintendent of each district or his/her representative shall be responsible for coordinating all local norm-referenced assessment activities, including:

6.04.5.1 Scheduling testing times of all affected campuses according to the testing calendar developed by the Department;



- 6.04.5.2 Ensuring that security is maintained as specified in the appropriate testing/assessment administration materials;
- 6.04.5.3 Ensuring that all district personnel involved in the assessment system have been properly trained as specified by the Department; and
- 6.04.5.4 Ensuring that all assessment instruments are administered to all eligible students according to the procedures established by the Department.

6.05 National Assessment of Educational Progress

- 6.05.1 Selected schools shall participate in any or all components of the National Assessment of Educational Progress (NAEP).
- 6.05.2 Any school that fails to fully participate in the administration of any NAEP assessment may be subject to probationary status as set out in the Standards for Accreditation.

6.06 Security and Confidentiality

- 6.06.1 Violation of the security or confidential integrity of any assessment is prohibited.
- 6.06.2 The Board shall sanction a person who engages in conduct prohibited by this section, as provided under Arkansas Code §6-17-405 and following the Process for Certificate Invalidation as approved by the Board. Additionally, the Board may sanction a school district and/or school in which conduct prohibited in this section occurs.
- 6.06.3 Procedures for maintaining the security and confidential integrity of all assessment instruments and procedures shall be specified in the appropriate test administration instructions. Conduct that violates the security or confidential integrity of an assessment is defined as any departure from either the requirements established by the Director of the Department for the administration of the assessment or from the procedures specified in the applicable test administration materials. Conduct of this nature may include, but is not limited to the following acts and omissions:
  - 6.06.3.1 Viewing secure assessment materials;

- 6.06.3.2 Duplicating secure assessment materials;
- 6.06.3.3 Disclosing the contents of any portion of secure assessment materials;
- 6.06.3.4 Providing, suggesting, or indicating to an examinee a response or answer to any secure assessment items;
- 6.06.3.5 Aiding or assisting an examinee with a response or answer to any secure assessment item;
- 6.06.3.6 Changing or altering any response or answer of an examinee to a secure assessment item;
- 6.06.3.7 Failing to follow the specified testing procedures or to proctor students;
- 6.06.3.8 Failing to administer the assessment on the designated testing dates;
- 6.06.3.9 Encouraging or assisting an individual to engage in the conduct described in this subsection;
- 6.06.3.10 Failing to report to appropriate authority that an individual has engaged in conduct set forth in this section;
- 6.06.3.11 Failing to follow the specified procedures and required criteria for alternate assessments; or,
- 6.06.3.12 Failing to return the secured test booklets back to the testing company in a timely manner.

6.06.4 The superintendent of each school district shall develop procedures to ensure the security and confidential integrity of all assessment instruments and test items. The superintendent shall be responsible for immediately notifying the Department in writing of conduct that violates the security or confidential integrity of an examination or assessment.

## 7.0 Advanced Placement

- 7.01 Students enrolled in Advanced Placement (AP) Courses must register and complete the appropriate AP Assessment prior to receiving AP credit and/or honors quality points for designated AP courses.

- 7.02 Instructors of AP courses must complete Department of Education required training prior to students receiving AP credit and/or honors quality points for designated AP courses.

## 8.0 Student Accountability

- 8.01 The Board shall establish four (4) performance levels for each criterion-referenced assessment administered as part of ACTAAP. Those performance levels shall be advanced, proficient, basic and below basic. Performance levels shall be established for mathematics and reading/language arts independently.
- 8.02 The following numerical scores define the performance levels on the criterion-referenced assessments for advanced, proficient, basic and below-basic.

| Grade 4 Mathematics   |             | Grade 4 Literacy      |             |
|-----------------------|-------------|-----------------------|-------------|
| Performance Standards |             | Performance Standards |             |
| Advanced              | 250 & above | Advanced              | 250 & above |
| Proficient            | 200 – 249   | Proficient            | 200-249     |
| Basic                 | 155-199     | Basic                 | 179-199     |
| Below Basic           | 154 & below | Below Basic           | 178 & below |

| Grade 6 Mathematics   |             | Grade 6 Literacy      |             |
|-----------------------|-------------|-----------------------|-------------|
| Performance Standards |             | Performance Standards |             |
| Advanced              | 250 & above | Advanced              | 250 & above |
| Proficient            | 200 – 249   | Proficient            | 200-249     |
| Basic                 | 155-199     | Basic                 | 168-199     |
| Below Basic           | 154 & below | Below Basic           | 167 & below |

| Grade 8 Mathematics   |             | Grade 8 Literacy      |             |
|-----------------------|-------------|-----------------------|-------------|
| Performance Standards |             | Performance Standards |             |
| Advanced              | 250 & above | Advanced              | 250 & above |
| Proficient            | 200 – 249   | Proficient            | 200-249     |
| Basic                 | 149-199     | Basic                 | 164-199     |
| Below Basic           | 148 & below | Below Basic           | 163 & below |

| End of Course Geometry |             | End of Course Algebra I |             |
|------------------------|-------------|-------------------------|-------------|
| Performance Standards  |             | Performance Standards   |             |
| Advanced               | 250 & above | Advanced                | 250 & above |
| Proficient             | 200 – 249   | Proficient              | 200-249     |
| Basic                  | 154-199     | Basic                   | 151-199     |
| Below Basic            | 153 & below | Below Basic             | 150 & below |

| Literacy (Grade 11)   |             |  |  |
|-----------------------|-------------|--|--|
| Performance Standards |             |  |  |
| Advanced              | 250 & above |  |  |
| Proficient            | 200 – 249   |  |  |
| Basic                 | 169-199     |  |  |
| Below Basic           | 168 & below |  |  |

- 8.03 By the year 2013-2014 all students are expected to perform at the proficient level or above.
  - 8.04 For any student failing to achieve at least at the proficient level on the State mandated CRT, that student shall be evaluated by school personnel, who shall jointly develop a student academic improvement plan to assist the student in achieving the expected standard in subject area(s) where performance is deficient.
  - 8.05 The results of end-of-course assessments shall become a part of each student's transcript or permanent record . Each course for which a student completes the assessment shall be recorded with the performance level (advanced, proficient, basic or below-basic).
- 9.0 School Accountability
- 9.01 Each school shall develop one (1) Arkansas Comprehensive, School Improvement Plan (ACSIP) focused on student achievement. This requirement is intended to focus the school/school district annually on the school's performance data for the purposes of improved student performance, based on data and the performance of students on the state assessment system.
  - 9.02 The purpose of ACSIP is to provide equal opportunity for all students, including identifiable subgroups, to meet the expected performance levels established by the Board on all State assessments.
  - 9.03 Schools and/or school districts failing to meet the student performance level established in these Rules shall engage in any or all required school improvement strategies – including professional development – as mandated by the improvement plan and/or by the Department.
    - 9.03.1 The following subgroups must be included in the school/school district data disaggregation:
      - 9.03.1.1 Students with Disabilities
      - 9.03.1.2 Students who are English Language Learners
      - 9.03.1.3 Economically Disadvantaged Students
      - 9.03.1.4 Ethnic Subgroups
        - 9.03.1.4.1 Caucasian
        - 9.03.1.4.2 African American
        - 9.03.1.4.3 Hispanic
  - 9.04 The Department, in keeping with the requirements of federal legislation, shall establish a system for determining Adequate Yearly Progress (AYP)

separately for mathematics and literacy. Schools that meet the AYP determination will have ALL students meeting the goal of 100% proficient on or before school year 2013-2014.

- 9.04.1 The Department will determine for each school in the state the percent of students performing at the proficient or advanced levels. This percentage will be determined by computing the sum of students proficient or advanced for the most recent three years across each grade for which there is a criterion-referenced assessment. That sum is divided by the total number of students assessed across those three years and grades. This number shall include students taking alternate assessments. The percentage shall be determined separately for mathematics and reading/literacy.
- 9.04.2 The AYP starting point will be determined for grade-level clusters K- 5; 6 – 8; and 9 – 12 and separately for mathematics and reading/literacy.
- 9.04.3 The AYP starting point will be determined by ranking each school within the grade-level by the percent proficient. Additionally, the ranking will include the total student enrollment for those grades using October 1, 2002, data.
- 9.04.4 The Department will determine the school that contains the 20<sup>th</sup> percent student of total enrollment – starting from the school with the lowest percent proficient and counting upward. The percent proficient of that school becomes the “starting point” for determining AYP for that grade-level cluster and content area.
- 9.04.5 The Department will compute the gap between the “starting point” and the goal of 100% proficient. Based on 12 years to reach the goal, the annual growth will be known as the “Adequate Yearly Progress” for that grade-level cluster and content area. The following table establishes the starting point, adequate yearly progress, and projected goal for each year of the next twelve years. Following the administration of each annual test, the Department of Education shall compute a confidence interval around the established AYP values. The confidence interval shall be computed at the rate of 0.5 of one standard deviation based on aggregate scores. Schools/school districts will meet the AYP if their percent proficient falls within the lower bound established by the confidence interval.

| Calculating AYP Starting Points and Adequate Yearly Progress |            |                |            |                    |             |
|--|------------|----------------|------------|--------------------|-------------|
| K - 5 Literacy   | K - 5 Math | 6 - 8 Literacy | 6 - 8 Math | 9 - 12<br>Literacy | 9 - 12 Math |

Mark-up

|                      |       |       |        |        |       |        |
|----------------------|-------|-------|--------|--------|-------|--------|
| Starting Point 01-02 | 31.8  | 28.2  | 18.1   | 15.3   | 19    | 10.4   |
| AYP                  | 5.68  | 5.98  | 6.83   | 7.06   | 6.75  | 7.47   |
| Year 1: 02-03        | 37.48 | 34.18 | 24.93  | 22.36  | 25.75 | 17.87  |
| Year 2: 03-04        | 43.16 | 40.16 | 31.76  | 29.42  | 32.5  | 25.34  |
| Year 3: 04-05        | 48.84 | 46.14 | 38.59  | 36.48  | 39.25 | 32.81  |
| Year 4: 05-06        | 54.52 | 52.12 | 45.42  | 43.54  | 46    | 40.28  |
| Year 5: 06-07        | 60.2  | 58.1  | 52.25  | 50.6   | 52.75 | 47.75  |
| Year 6: 07-08        | 65.88 | 64.08 | 59.08  | 57.66  | 59.5  | 55.22  |
| Year 7: 08-09        | 71.56 | 70.06 | 65.91  | 64.72  | 66.25 | 62.69  |
| Year 8: 09-10        | 77.24 | 76.04 | 72.74  | 71.78  | 73    | 70.16  |
| Year 9: 10-11        | 82.92 | 82.02 | 79.57  | 78.84  | 79.75 | 77.63  |
| Year 10: 11-12       | 88.6  | 88    | 86.4   | 85.9   | 86.5  | 85.1   |
| Year 11: 12-13       | 94.28 | 93.98 | 93.23  | 92.96  | 93.25 | 92.57  |
| Year 12: 13-14       | 99.96 | 99.96 | 100.06 | 100.02 | 100   | 100.04 |

- 9.05 Schools/School Districts may choose either the three-year composite performance based on percent of students proficient (includes advanced) or the current year percent proficient, which ever is greater, in determining a school's AYP status.
- 9.06 Schools/School Districts failing to meet expected performance standards as established by the Board shall be subject to sanctions as specified in Section 9.0.
- 9.07 Schools/School Districts exemplifying exceptional performance levels and/or growth patterns shall be recognized for exemplary performance and will be eligible to participate in the rewards program.
- 10.0 School Improvement
- 10.01 Schools failing to meet Adequate Yearly Progress as determined under these Rules shall be classified in school improvement.
- 10.01.1 The first year a school fails to meet expected performance levels, that school shall be classified as on Alert Status. Any school classified on Alert Status shall be required to review and/or revise the school's ACSIP Plan with special attention given to State designated subgroup(s) which failed to meet expected performance levels.
- 10.01.2 The local school board president and the superintendent of a public school or school district identified by the Department in school improvement shall be notified in writing by the Department, via certified mail, return receipt requested, and the school district shall have a right to appeal to the Director of the Department. The

written appeal must be received in the Office of the Director of Education within thirty (30) calendar days of the receipt of notice.

10.01.3 The second year a school fails to make Adequate Yearly Progress, that school shall be classified as Year 1 of School Improvement. Any school classified in Year 1 of School Improvement shall offer eligible students choice options to another school in the district not in school improvement.

10.01.4 The third year a school fails to make Adequate Yearly Progress, that school shall be classified as Year 2 of School Improvement. Any school classified in Year 2 of School Improvement shall offer eligible students supplementary services in keeping with federal guidelines in addition to continued choice options.

10.01.5 Should a school fail to make Adequate Yearly Progress in the fourth year, the Board shall advance that school into corrective action. Schools in corrective action must continue to offer choice and supplemental service options and the school must implement a plan, with the approval of the Department, having specified corrective actions.

10.01.6 Should a school fail to make Adequate Yearly Progress in the fifth year, the Board shall advance that school into restructuring. In restructuring the Department may require the school to dismiss staff and administrators, annex the school to another school that is not in school improvement, and/or take other such action as deemed necessary by the Department and the Board.

10.02 Once a school has been identified in school improvement, that school must make adequate yearly progress for two consecutive years in both mathematics and literacy to be considered for removal.

10.03 Schools that receive Title I funds must meet all funding requirements as specified by federal guidelines. Schools that do not receive Title I funds must implement programming in keeping with the school's ACSIP Plan as revised.

## 11.0 Academic Distress – Procedures for Identification, Classification and Appeal of School Districts in Academic Distress

11.01 A school district for which 75% or more of the students completing the state's assessments perform at the below basic level shall be designated in Academic Distress. This computation shall collectively include students from each school in the district and from each grade for which a criterion-referenced assessment is given.

- 11.02 Within thirty calendar days (30) after the release of the state assessment results by the Department, the Department shall identify all school districts in Academic Distress and shall notify in writing each school district superintendent and board president via certified mail, return receipt requested.
- 11.03 A school district may appeal a determination of the Department identifying the district as an Academic Distress school district by filing an appeal in writing in the Office of the Director of the Department within (30) calendar days after receiving the notification, justifying why the district should not be identified as being in Academic Distress.
- 11.04 The Board shall render a written decision of a classification on a district's appeal of identification as an Academic Distress school district within sixty (60) calendar days of the district's written request.
- 11.05 The decision of the Board shall be final with no further right of appeal, except a school district may appeal to the Circuit Court of Pulaski County pursuant to the Administrative Procedures Act, A.C. A. §25-15-201 et seq.

## 12.0 Time Limitation of Academic Distress Status

- 12.01 A public school district identified as in academic distress shall have no more than two (2) consecutive school years beginning on July 1 following the date of notice of identification to be removed from academic distress status.
- 12.02 The Board may at any time take enforcement action on any school district in academic distress status including, but not limited to, annexation, consolidation, or reconstitution of a school district pursuant to Ark. Code Ann. § 6-13-1401 et seq.
- 12.03 If a public school district fails to be removed from academic distress status within the allowed two (2) year time period, the Board shall annex, consolidate or reconstitute the academic distress school district prior to July 1 of the next school year unless the Board, at its discretion, issues a written finding supported by a majority of the board, explaining in detail that the school district could not remove itself from academic distress during the relevant time period due to external forces beyond the school district's control.

## 13.0 PROCEDURES FOR ASSISTING SCHOOL DISTRICTS IN ACADEMIC DISTRESS



- 13.01 Within thirty (30) calendar days of classification by the State Board, each Academic Distress school district shall develop and file with the Department a modified Comprehensive School Improvement Plan to target and address any area in which the district is experiencing academic distress.
- 13.02 Within fifteen (15) calendar days of classification by the State Board, the Department shall assign a team of educators to evaluate the district and determine the need for on-site technical assistance.
- 13.03 The team of educators shall evaluate and make recommendations to the district superintendent within sixty (60) calendar days following the district's classification as an Academic Distress school district.
- 13.04 School districts classified as Academic Distress shall provide access to all district assessment, instruction, personnel and academic records and reports to assist the team in the formulation of the recommendations for improvement.
- 13.05 The Department with assistance from the team of educators shall review the data relative to the academic status and performance of students in the Academic Distress school district.
- 13.06 Following the on-site review, the team of educators will submit a written set of recommendations to the Academic Distress school district.
- 13.07 The Department shall provide relevant technical assistance to each identified school district based upon the needs identified in the Comprehensive School Improvement Plan.
- 14.0 PROCEDURES FOR EVALUATING AND REMOVAL OF SCHOOL DISTRICTS FROM ACADEMIC DISTRESS STATUS
  - 14.01 The Department shall review and annually report to the Board the academic conditions existing in each Academic Distress school district and determine whether the district is making progress and has fewer than 75% of the students performing in the below basic performance level.
  - 14.02 A school district designated in Academic Distress shall be removed from Academic Distress only if fewer than 75% of the students perform below basic for two consecutive years.
- 15.0 Board Authority
  - 15.01 The Board shall have the following authority regarding any public school district in academic distress:

- 15.01.1 Require the superintendent of the school district to relinquish all authority with respect to the district, to appoint an individual to administratively operate the district under the supervision of the Director of the Department, with the cost to be paid from school district funding;
- 15.01.2 Suspend or remove some or all of the current board of directors and call for the election of a new school board for the school district in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law.
- 15.01.3 Allow the school district to operate without the local school board under the supervision of the local school district administration or an administration chosen by the Director of the Department;
- 15.01.4 Waive the application of Arkansas law, with the exception of the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq., and the Public school Employee Fair Hearing Act, Ark. Code Ann. § 6-17-1701 et seq., or department Rules ;
- 15.01.5 The Board has exclusive jurisdiction to determine the boundary lines of the receiving or resulting school district and to allocate assets and liability of the district.
- 15.01.6 Require the annexation, consolidation, or reconstitution of the public school district; and
- 15.01.7 Take any other necessary and proper action as determined by the Board that is allowed by law.
- 15.02 After providing thirty (30) calendar days written notice, via certified mail return receipt requested, to a school district, the Department may petition the Board or the Board on its own motion, at any time, may take action pursuant to 14.01 as allowed by Act 1467 of 2003, in order to secure and protect the best interest of students in the public school district or to secure and protect the best interest of the educational resources of the state.
- 15.03 The School District shall have a right of appeal to a public hearing before the Board after filing a written notice of appeal with the office of the Director of the Department at least thirty (30) calendar days prior to the appeal hearing.
- 15.04 The State Board shall consolidate, annex or reconstitute a school district that fails to remove itself from the classification of a school district in

academic distress within two (2) consecutive school years of receipt of notice of identification unless the Board, at its discretion, issues a written finding supported by a majority of the Board, explaining in detail that the school district could not remove itself from academic distress due to impossibility caused by external forces beyond the school district's control.

15.05 After a public hearing, the Board shall consolidate, annex, or reconstitute the school district in academic distress to another non-academic distress school district upon a majority vote of a quorum of the members of the Board as permitted or required by this subchapter.

15.06 The Board's classification of a school district in Academic Distress shall be final except that the school district shall have a right of appeal to the Circuit Court of Pulaski County pursuant to the Arkansas Administrative Procedures Act. Ark. Code Ann. §25-15-201 et seq.

#### 16.0 School Choice and Academic Distress

16.01 Any student attending a public school district classified as being in academic distress shall automatically be eligible and entitled pursuant to Ark. Code Ann. § 6-18-206, the "Arkansas Public School Choice Act", to transfer to another geographically contiguous school district not in academic distress during the time period a district is classified as being in academic distress, and

therefore, not be required to file a petition by July 1 but shall meet all other requirements and conditions of the Arkansas Public School Choice Act.

16.02 The cost of student transportation to the nonresident district shall be borne by the resident district.

16.03 The nonresident district shall count the student for average daily membership purposes.